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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,087	02/02/2005	Wilhelm Melchert	20798/0204621-US0	8536
7278	7590	10/01/2007	EXAMINER	
DARBY & DARBY P.C.			KITOV, ZEEV V	
P.O. BOX 770			ART UNIT	PAPER NUMBER
Church Street Station			2836	
New York, NY 10008-0770			MAIL DATE	DELIVERY MODE
			10/01/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/523,087

Applicant(s)

MELCHERT ET AL.

Examiner

Zeev Kitov

Art Unit

2836

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 08 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 7 - 20.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see below.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

## Response to Arguments

1. Applicant attacks Liempd et al. reference for allegedly not disclosing a voltage follower. According to him, the reference "does not describe switch T5 (or any other component) as including voltage follower function" (page 7, lines 2 – 3). However, as clear to one of ordinary skill in the art, the T5 element is a transistor in a common collector connection; such circuit is normally called a buffer, emitter follower, or voltage follower. The circuit has a voltage gain close to one and is normally used for current amplification and/or impedance transformation since it has high input impedance and pretty small output impedance (see "Emitter follower" printout from Answers.com web encyclopedia). The circuit is called the voltage follower, since the output voltage is almost exact copy of the input voltage. The circuit may perform a switching function but since the transistor in such circuit is never saturated the circuit is analogous and by no means digital circuit, i.e., an input signal appears in the output without any distortion. It is not saturated because, to satisfy conditions of saturation, both transistor junctions must be forward biased; for that in the circuit Fig. 4 either an input signal should exceed the power supply voltage (U1 in Fig. 4) or the resistor in series with collector should be present. None of these requirements is satisfied in Fig. 4 circuit. Therefore, the T5 is an element working in analog fashion and performing the voltage follower function.

2. Applicant further attacks another reference, Seiler et al., for not being connected in series with operating coil (page 7, 3rd paragraph). However, according to Seiler et al. (col. 4, lines 45 – 60), the four-layer diode of Fig. 4 is intended to replace an overvoltage protection circuit 20 in Fig. 3, which is connected in parallel to the protected transistor (11 in Fig. 3), i.e., in series with the inductive load (13 in Fig. 3). Applicant further alleges that the four-layer diode is not interconnected to an output of any component analogous to a "first switching device" (page 7, 3rd paragraph). However, as is seen in Fig. 3 of Seiler et al., the four-layer diode is directly connected to the output (collector) of the switching device (11 in Fig. 3).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

3. Applicant attacks a motivation for combining the references together on the basis that "there is no suggestion in any of the references for a reason to modify Liempd from two-way connection to a three-way connection" (page 7, 4th paragraph). Applicant must be aware that after Supreme Court decision *KSR International Co. vs. Teleflex, Inc.* (No. 04-1350, slip opinion) a motivation for modification of the primary reference explicitly stated in the reference is not needed any more. Examiner provided all the necessary statement regarding motivation for modification of the references.



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